

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:
GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)
14-MC-2543 (JMF)

**APPLICATION OF KASSEM M. DAKHLALLAH FOR THE POSITIONS OF
STATE/FEDERAL LIAISON COUNSEL OR EXECUTIVE COMMITTEE MEMBER**

This Application is submitted to the Court, pursuant to the Court's July 18, 2014 *Order No. 5* to aid in the Court's consideration during the appointment process. The undersigned, Kassem M. Dakhlallah ("Dakhlallah"), hereby submits this application for the positions of: 1. State/Federal Liaison Counsel; and 2. Executive Committee Member. In line with the Court's appointment criteria set forth in Order No. 5, Dakhlallah states as follows:

(1) Knowledge and experience in prosecuting complex litigation, including MDLs and class actions

Dakhlallah has had significant experience and success in litigating complex cases, including MDLs and class actions. With respect to class actions, Dakhlallah has served as lead counsel on the plaintiff's side as well as on the defense side.

Class Action Experience - Plaintiff

In *Ahmed v. McDonald's Corporation et al*, No. 11-014559-CZ (Mich. Cir. Ct.), Dakhlallah served as Lead Plaintiff's Class Counsel in a certified consumer class action lawsuit brought under the Michigan Consumer Protection Act and the Shopping Reform and Modernization Act against McDonald's Corporation and a local franchisee. The case resulted in one of the largest class action settlements in history involving McDonald's Corporation.

Class Action Experience - Defendant

In *Tipton et al v. Chicago Automotive Group, Inc. et al*, No. 11 C 7461 (U.S. Dist. Ct. N.D. Ill.), Dakhallallah served as Defendants' Counsel in a certified class action lawsuit brought by plaintiffs, current and former tow truck drivers, alleging unpaid overtime under the Fair Labor Standards Act. After two years of litigation and class certification, the case resulted in a complete dismissal of all claims with zero paid out to all plaintiffs.

MDL Experience

Dakhallallah has represented several plaintiffs in MDL cases. For example, Dakhallallah currently represents plaintiffs in *In RE: Wright Medical Technology, Inc., Conserve Hip Implant Products Liability Litigation*, No. 1:12-md-2329-WSD (U.S. Dist. Ct. N.D. Ga.) and *In Re: Mirena IUD Products Liability Litigation*, No. 7:13-md-02434-CS-LMS (U.S. Dist. Ct. S.D.N.Y.).

(2) Willingness and ability to commit to a time-consuming process

Dakhallallah is willing and able to put in whatever time is necessary to fulfill his duties if appointed State/Liaison Counsel or a member of the Executive Committee. As evidence of this fact, Dakhallallah filed one of the first lawsuits in this case, at a time when it was far from clear how many other attorneys and law firms would risk the time and expense of representing the class. Then, as now, Dakhallallah is committed to bringing this case to a positive conclusion for the plaintiffs.

Dakhallallah has expended thousands of hours litigating other class action and MDL matters. This case is just as important as those other matters. Dakhallallah is no less motivated to spend similar time litigating this case.

(3) Willingness and ability to work cooperatively with others

Dakhlallah is willing and able to collaborate on the litigation of this case with all others similarly appointed. Dakhlallah routinely handles complex litigation matters with co-counsel (present case included). Dakhlallah has worked with attorneys on a wide variety of cases in multiple jurisdictions. In this case, Dakhlallah reached out to plaintiffs' attorneys throughout the country to open a dialogue on the best way forward. Dakhlallah cooperated with other attorneys during the arguments before the JPML hearing in Chicago. Dakhlallah has been a part of each of the conference calls in both the bankruptcy case and this case.

(4) Access to resources to prosecute the litigation in a timely manner

Dakhlallah serves as supervising attorney at his firm, overseeing eight attorneys. Each of these attorneys can be called upon to assist in this matter if needed. Furthermore, Dakhlallah's firm regularly takes on high-value and complex litigation matters, providing the necessary resources to do so. Moreover, Dakhlallah's co-counsel in the underlying case, Norman Yatooma, is the founder, chairman and president of a firm with several attorneys available to devote significant time to this case.

(5) The work counsel has done in identifying, investigating, or prosecuting potential claims in the action

Dakhlallah has over 30 plaintiffs in this matter. Dakhlallah has interviewed each of them and vetted their claims. Dakhlallah maintains communication with all of these clients via email, social media and telephone, regularly providing updates about the case as well as receiving new information regarding factual developments faced by the clients.

(6) Counsel's knowledge of applicable law

Dakhlallah has litigated hundreds of consumer law cases, at the state and federal levels. Dakhlallah has also published articles on the economics of class action litigation.¹

(7) Geographic diversity

This lawsuit requires at least one (and probably more than one) Detroit-based attorney. GM's world headquarters is in Detroit. As a result, substantially all of the witnesses and documents that will be necessary to litigate this case will be found in the Detroit-area. Although Order No. 5 explicitly prohibits the utilization of exhibits, if Dakhlallah could include an exhibit, it would be the view of GM's World Headquarters from his office window. Given Dakhlallah's proximity to the defendant's offices and by extension the multitude of witnesses and documents relevant to this case, it only makes sense that Dakhlallah be included on the Executive Committee or appointed State/Federal Liaison Counsel.

CONCLUSION

For all of the foregoing, Dakhlallah respectfully requests that this Honorable Court appoints Dakhlallah to a position on the Executive Committee. Alternatively, Dakhlallah requests an appointment as State/Federal Liaison Counsel.

Respectfully submitted,

AT LAW GROUP, PLLC

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¹ See <http://www.attorneyatlawmagazine.com/detroit/class-action-lawyers-may-not-deserve-their-money-but-they-sure-do-earn-it/>